

**UNITED STATES DISTRICT COURT
FOR THE MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 24-cr-10144-PBS
)	
MAGELLAN DIAGNOSTICS, INC.,)	
)	
Defendant.)	
)	

MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT
(Assented-To)

The United States of America respectfully requests the entry of an Order, pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(2), and Section 5(b)(2) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), excluding the term of the Deferred Prosecution Agreement entered into by the parties from the computation of time within which any trial must be commenced upon the charges in the Information filed against defendant Magellan Diagnostics, Inc. (“Magellan”) in this matter. The United States provides the following information in support of this assented-to motion:

1. The United States has filed an Information with the Court (Dkt. 1) charging Magellan with conspiracy to commit wire fraud, in violation of 18 U.S.C. §1349, and conspiracy to defraud an agency of the United States, in violation of 18 U.S.C. §371.

2. The United States and Magellan entered into a written Deferred Prosecution Agreement (“Agreement”) (Dkt. 4) concerning the charges in the Information. Among the purposes of this negotiated Agreement is to allow Magellan to demonstrate its good conduct and implement certain remedial measures.

3. Pursuant to Paragraph 1 of the Agreement, Magellan has agreed to waive its right to indictment on the charges contained in the Information.

4. Pursuant to Paragraph 3 of the Agreement, the parties have agreed that the term of the Agreement is 24 months, with the possible extension of up to one year under certain conditions.

5. Pursuant to Paragraph 1 of the Agreement, Magellan has agreed to waive its right to a speedy trial under the Sixth Amendment to the United States Constitution; Title 18, United States Code, Section 3161; and Federal Rule of Criminal Procedure 48(b).

6. Magellan assents to this motion and does not oppose a continuance of all further criminal proceedings, including trial, for a period of 24 months and, if the term is extended, for an additional period of up to one additional year, and for speedy trial exclusion of all time covered by such a continuance.

7. The United States has agreed that if Magellan fully complies with all of its obligations under the Agreement, then within three months of the Agreement's expiration, the United States will move this Court for dismissal with prejudice of the Information filed against Magellan, in accordance with Paragraph 19 of the Agreement.

WHEREFORE, the United States respectfully requests that this Court enter an order excluding 24 months from the computation of time within which the trial on the charge set forth in the Information filed in this matter must commence, as well as for an additional period of up to one year if the term of the Agreement is extended, and accordingly continuing all further court proceedings.

A proposed Order accompanies this assented-to motion.

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorney

By: /s/ Kelly Begg Lawrence
James D. Herbert
Kelly Begg Lawrence
Elysa Q. Wan
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Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kelly Begg Lawrence
Kelly Begg Lawrence
Assistant United States Attorney

Date: May 21, 2024